

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

In re:

SAFETY-KLEEN CORP., et al.,

Debtors.

Case No. 06-0354 (GMS)

**JOINT STATUS REPORT**

Pursuant to D. Del. L.R. 16.2(b), Oolenoy Valley Consulting LLC, as trustee of the Safety-Kleen Creditor Trust and counsel for claimants in the consolidated action captioned Jennifer L. White, et al. v. Allwaste Environmental Services of Texas, Inc. et al., pending in the Parish of Calcasieu, State of Louisiana (“Claimants”) have conferred regarding each agenda item contained in the Court’s April 13, 2007 Order and hereby provide the following joint status report:

**I. JURISDICTION AND SERVICE**

The Court has subject matter jurisdiction over this proceeding pursuant to 28 U.S.C. § 157(b)(6) and § 1334. There are no issues regarding personal jurisdiction and no parties remain to be served.

**II. SUBSTANCE OF THE ACTION**

This is a contested matter arising out of the Chapter 11 bankruptcy cases of Safety-Kleen Corp. and its affiliated debtors in the United States Bankruptcy Court for the District of Delaware. By its motion filed September 11, 2006, the Trustee seeks an order pursuant to 11 U.S.C. § 502(c) estimating the value of Claimants’ claim nos. 9245, 6410, 9243

and 9244, and seeking a distribution from the debtors' estates on account of personal injuries allegedly suffered by the Claimants as the result of a chemical spill that occurred on or about March 26, 1997.

**III. IDENTIFICATION OF ISSUES**

The parties dispute the debtor's liability for the injuries alleged by the Claimants. The parties also dispute the amount of Claimants' damages should liability be found.

**IV. NARROWING OF THE ISSUES**

At this time, it does not appear that the issues can be narrowed by agreement or motion. However, as with any case, the issues in dispute may be narrowed through discovery and by decisions on dispositive motions.

**V. RELIEF**

Claimants are seeking unspecified damages arising from the personal injuries. Damages, if any, would need to be determined by the Court.

**VI. AMENDMENT OF PLEADINGS**

The parties do not currently anticipate any amendment to the pleadings. The parties propose that a cut-off date of May 31, 2007 be placed in the Scheduling Order.

**VII. JOINDER OF PARTIES**

The parties do not currently anticipate the joinder of any additional parties and propose that a cut-off date of May 31, 2007 be placed in the Scheduling Order.

**VIII. DISCOVERY**

a. Trustee's Statement. The Trustee has served written discovery requests directed to the issues raised in the Claimants' claim and is awaiting a response from counsel for the Claimants.

b. The parties agree that fact and expert discovery should be instituted so that it is completed on or before August 27, 2007.

c. The parties agree that Claimants should identify and serve initial expert reports for its experts on or before June 30, 2007 with the Trustee to identify and serve initial reports for its experts, if any, by August 15, 2007. The parties further agree that expert depositions should be permitted of all identified testifying experts, including any treating physicians or medical experts, subject to the limits noted above. The parties do not believe that any less costly or less time consuming methods are available to obtain the necessary information.

#### **IX. ESTIMATED TRIAL LENGTH**

The parties believe that the trial in this matter will last approximately one day.

#### **X. JURY TRIAL**

No jury trial has been requested and the parties agree that there is no right to a jury trial in an estimation proceeding conducted pursuant to 11 U.S.C. § 502(c).

#### **XI. SETTLEMENT**

The parties are actively engaged in settlement discussions and are hopeful that these claims can be settled in the near term.

**XII. STATEMENT OF CONFERENCE**

The undersigned counsel has conferred regarding each of the above matters.

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**CERTIFICATE OF SERVICE**

I, Donna L. Culver, certify that I am not less than 18 years of age, and that service of the foregoing **Joint Status Report** was caused to be made on April 25, 2007, in the manner indicated upon the parties identified on the attached service list.

Date: April 25, 2007

/s/ Donna L. Culver

Donna L. Culver (#2983)

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